

NORTH OGDEN CITY COUNCIL MEETING MINUTES

February 11, 2025

The North Ogden City Council convened on February 11, 2025, at 6:00 p.m. at North Ogden City Hall at 515 East 2600 North.

Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on February 6, 2025.

Notice of the annual meeting schedule was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 11, 2024.

Note: The time stamps indicated in blue correspond with the recording of this meeting, which can be located on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6felhQ/videos> or by requesting a copy of the audio file from the North Ogden City Recorder.

CITY COUNCIL MEMBERS PRESENT:

S. Neal Berube	Mayor
Ryan Barker	Council Member
Blake Cevering	Council Member
Jay D Dalpiaz	Council Member
Chris Pulver	Council Member
Christina Watson	Council Member

STAFF PRESENT:

Jon Call	City Manager/Attorney
Rian Santoro	City Recorder
Scott Hess	Community and Economic Development Director
Jami Jones	Finance Director
Nate Davis	Building Inspector
Eric Casperson	City Engineer
Colleen Phillips	Business License Administrator
Dylan Hill	Public Works Inspector
David Espinoza	Public Works Director/Assistant City Manager
Bryce Nelson	Administrative Services Manager

VISITORS:

Kevin Burns	Eric Thomas
Sandy Cochran	Reed Miller
Phillip Swanson	Zach Nicholas
Kyle Duncan	Lauren Nicholas
Todd Coleman	Merrill Sunderland

Nicole Nancarrow
Brent Kenley
Sydney Marchant

Jennifer Keating
Susan Kilborn

0:00:02 Mayor Berube called the meeting to order and Council Member Dalpiaz introduced North Ogden City resident, Kyle Duncan, whom he invited to offer the invocation, a thought, and lead in the Pledge of Allegiance. Council Member Dalpiaz highlighted Mr. Duncan's extensive military background, noting his 21 years of service in the U.S. Army, where he achieved the rank of Lieutenant Colonel. Mr. Duncan holds a bachelor's degree from UVU, an MBA from Webster University, and is a graduate of the U.S. Army Command and General Staff College. His military career included roles as a Black Hawk helicopter air ambulance team leader, platoon leader, unmanned aircraft operator, program manager, executive officer, and Assistant Chief of Staff for planning and mediation. He served in Iraq during Operation Iraqi Freedom, earning a Bronze Star for meritorious service, and later deployed to Afghanistan for Operation Enduring Freedom. His assignments also took him to South Korea, Missouri, Arizona, and Georgia.

0:02:20 Kyle Duncan offered an invitation and shared a life lesson about managing expectations when they don't align with reality. Drawing from his experience as an aviation accident investigator, he recalled times when their team faced logistical challenges, such as a lack of support upon arrival in foreign countries. Instead of giving in to frustration and quitting, they learned to adjust their expectations, change their attitudes, and continue their work. They emphasized that complaining and quitting lead nowhere, while adaptability and a positive mindset drive progress. They outlined six steps for managing the "expectation vs. reality trap": setting realistic expectations, practicing mindfulness, cultivating adaptability, seeking support, learning from disappointment, and redefining expectations. Kyle concluded by noting that failure is often more common than success, but perseverance is key to ultimately achieving success. He then led in the Pledge of Allegiance.

PRESENTATION

1. RECOGNITION OF ERIC THOMAS AND BRANDON MASON FOR THEIR YEARS OF SERVICE ON THE NORTH OGDEN CITY PLANNING COMMISSION

0:05:48 Mayor Berube introduced Commissioner Nancarrow, the new Chair of the Planning Commission, and expressed appreciation for her service.

He recognized two individuals who have served the City for over 10 years, highlighting their dedication and impact.

Eric Thomas was invited to speak and expressed gratitude for the opportunity to serve North Ogden City. A lifelong resident, he reflected on his experiences working with four Mayors, numerous Council Members, and Planning Commissioners. He noted his involvement in multiple General Plans and City initiatives, emphasizing his pride in the City's progress and future.

CONSENT AGENDA

2. CALL FOR CONFLICT OF INTEREST DISCLOSURE

0:01:46 No conflict of interest was disclosed

3. DISCUSSION AND/OR ACTION TO APPROVE THE JANUARY 14, 2025, CITY COUNCIL MEETING MINUTES

0:09:07 Council Member Dalpiaz motioned to approve the January 14, 2025, City Council Meeting Minutes Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously

4. **DISCUSSION AND/OR ACTION TO APPROVE THE CONDITIONAL ACCEPTANCE OF SUBDIVISION IMPROVEMENTS AT MOUNTAIN VALLEY VILLAS PHASE 2**

0:10:03 Public Works Inspector Dylan Hill presented Mountain Valley Villas Phase 2, a 10 lot subdivision from 2021. The project included improvements such as sewer, storm drain, water, sidewalks, streetlights, and a private detention pond.

A letter in April 2023 outlined outstanding items, which have since been completed, including storm drain inlets, slurry seal, and striping. All improvements meet City codes and standards, and the recommendation is to approve conditional status and begin the one-year warranty period.

Council Member Barker motioned to approve the conditional acceptance of subdivision improvements at Mountain Valley Villas Phase 2. Council Member Pulver seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously

5. **DISCUSSION AND/OR ACTION TO APPROVE THE CONDITIONAL ACCEPTANCE OF SUBDIVISION IMPROVEMENTS AT MOUNTAIN VALLEY VILLAS PHASE 3**

0:12:13 Public Works Inspector Dylan Hill discussed Mountain Valley Villas Phase 3 which includes the same infrastructure improvements as Phase 2, such as water, sewer, storm drain, streetlights, and sidewalks. The project went through five design revisions before finalizing its layout, mainly due to challenges with cul-de-sacs. The primary issue was replacing catch basins, which have now been completed.

An additional \$11,634 will be held in escrow due to a temporary turnaround that must be removed later. All improvements meet City standards, and conditional acceptance is recommended, beginning the one-year warranty period.

Council Member Dalpías inquired about power lines running through the subdivision and whether they posed any issues, referencing problems in a nearby neighborhood. Dylan confirmed no known issues with power lines or setbacks in this subdivision but noted potential concerns in a future phase.

Council Member Pulver asked about the escrow funds and the timeline for removing the temporary turnaround. Dylan explained that the developer and City Staff have discussed the issue, and responsibility for removal falls on a property owner in that corner. He added that the final phase will connect the road to the north, resolving the issue. If the turnaround is not removed within the expected timeframe, the City can use the escrow funds to complete the work.

Council Member Cevering motioned to approve the conditional acceptance of subdivision improvements at Mountain Valley Villas Phase 3. Council Member Pulver seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpías	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously

ACTIVE AGENDA

6. PUBLIC COMMENTS

0:16:17 Jennifer Keating, a North Ogden City resident, addressed the Council to express her concerns about pedestrian safety at the intersection of Washington Boulevard and Elberta Drive. As an avid walker who has crossed this intersection regularly for years, she described it as the most dangerous part of her route, with frequent near-miss incidents involving vehicles.

Despite taking extensive precautions such as wearing bright clothing, walking only in daylight, and making eye contact with drivers she continues to experience close calls, including two incidents in a single day. She emphasized that these issues persist even when she activates the pedestrian signal.

Jennifer shared her growing anxiety and frustration, stating that what was once a peaceful walk has turned into an experience filled with fear and uncertainty. She urged the City to implement changes to improve pedestrian safety at the intersection, particularly regarding traffic control for vehicles turning west and northbound. She concluded by emphasizing her desire to feel safe while walking in the community.

0:19:30 Jason Hadley, a Harrisville City resident and member of the North Ogden Community Band, provided an update on the Band's Christmas concert at the Senior Center, which had approximately 150 attendees. He emphasized the importance of community events during the holiday season and expressed enthusiasm for the coming year. Jason requested new banners for the Band's concerts, as the current ones have been repeatedly repurposed. He also inquired about ways to promote performances through the City newsletter or website.

Mayor Berube responded by recommending that Jason coordinate with the City Recorder to add events to the City calendar and newsletter. He also suggested applying for a RAMP grant to fund new banners, noting that the Band had historically committed to seeking grants rather than City funds. The Mayor encouraged Jason to connect with City Manager/Attorney Jon Call, the City's RAMP grant expert, for further assistance.

7. **DISCUSSION AND/OR ACTION TO CONSIDER WAIVING THE CITY CODE VIOLATION FINE IMPOSED ON FIIZ DRINKS FOR THE FAILURE TO OBTAIN A BUILDING PERMIT**

0:23:05 Fiiz Drinks Owner, Todd Coleman, addressed the Council regarding fines imposed for installing a second drive-thru menu sign without a permit. Drawing from past industry experience, he assumed that such signs did not require permits. After installing the sign and making modifications to the site, he received a \$250 fine from the City for not obtaining the necessary permit. Due to challenges in obtaining retroactive plans, he did not promptly resolve the issue, leading to a second fine of \$1,000 in December. Todd admitted to lapses in communication but also expressed frustration over the City's delayed response to his inquiries. He formally requested that the Council waive the second fine, arguing that communication should be a two-way street.

City Staff, including the Building Inspector, clarified that the sign required both a planning and electrical permit, which was never obtained or inspected. The City imposed the second fine due to lack of progress between August and December. Council Members debated the fairness of enforcing fines, the precedent that waiving them might set, and whether better communication from the City could have mitigated the situation.

Ultimately, Council Member Dalpías motioned to deny the request to waive the fines, emphasizing the importance of compliance and timely action.

Council Member Dalpías motioned to deny waiving the City code violation fine imposed on Fiiz Drinks for the failure to obtain a building permit. Council Member Pulver seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpías	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously

8. DISCUSSION ON POLICY ON THE 2023-2024 FISCAL YEAR AUDIT

0:47:56 Finance Director Jami Jones reported that the General Fund performed well, with revenues exceeding projections by 5% and expenditures coming in 2.5% under budget. The year began with a 31% fund balance and ended at 28%, exceeding the 25% target. All departments managed their budgets effectively, and no final budget adjustments were necessary. However, the Aquatic Center exceeded its budget by 10% due to rising chemical and utility costs. In the Utility Funds, the Water and Stormwater Funds recorded losses, primarily due to depreciation. The Council had previously adjusted the budget to address this issue, and Jami commended their efforts in managing depreciation challenges.

Council Member Pulver inquired about a pending auditor question regarding pension obligations. Mayor Berube clarified that the auditors advised the City to contact the Utah Retirement System (URS) directly for clarification. He suggested arranging a Work Session to discuss pension concerns in greater detail.

Mayor Berube and Council Member Barker acknowledged the Auditors' positive feedback on the City Staff's financial management efforts.

9. **DISCUSSION AND/OR ACTION TO APPROVE AN ACREAGE VARIANCE AND REVOCABLE GRADING PERMIT FOR A ROCK CRUSHER AT WHITE ROCK SUBDIVISION PHASE 4**

0:53:17 The Council discussed a request to place a temporary rock crusher at the White Rock Phase Four subdivision, located at approximately 3053 North Mountain Road. The applicant seeks a variance from the 50-acre minimum requirement, as the proposed site is approximately eight to nine acres.

Key points in favor of granting the variance included reducing truck traffic on City roads, minimizing road damage and material spillage, and decreasing the environmental impact. However, concerns were raised about noise, dust, and the proximity of residents, with the closest home being approximately 450 feet away.

The applicant has obtained written acknowledgments from 25 neighboring residents, indicating their awareness and approval of the crusher's presence.

The Council also discussed the potential precedent this variance could set for future requests and the need for a defensible basis for approval.

Council Member Cevering motioned to approve an acreage variance and revocable grading permit for a rock crusher at White Rock Subdivision Phase 4 with the condition of a sixth-month maximum timeframe, written approval from all occupied homes in the subdivision, and the City retains the right to revoke the permit if complaints arise Council Member Watson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously

10. **DISCUSSION AND/OR ACTION TO APPROVE THE ACQUISITION OF WEBER COUNTY SURPLUS PROPERTY, PARCEL 16-049-01330**

1:14:02 Community and Economic Development Director Scott Hess provided an update on a previously approved Interlocal Agreement regarding the acquisition of property for a future public park.

The agreement, originally approved by the City Council on October 8, 2024, was sent to the county for finalization. However, minor typographical errors were identified, leading to a decision to clean up the document and bring it back for a new signature from both the City and County.

The primary revision clarified the timeframe for park development. Originally, the agreement stated the City had five years to complete the park with an optional five-year extension. This was revised to a straightforward ten-year period from the execution of the deed. Additionally, the requirement for minimum restroom facilities and a drinking fountain remains unchanged. The agreement also specifies that if the City determines the property is not viable for a park, ownership will revert to the County.

Council Members inquired about public access to the property before the park’s completion. Scott explained that while the land remains unimproved, southern access could potentially be established via an existing City-owned property off Mountain Road, allowing for possible early public use, such as a trail or lookout point. Additionally, Mayor Berube confirmed with Scott that utility connections, including sewer and water, are feasible due to nearby infrastructure, making future development more practical. The discussion concluded without objections, reaffirming that all agreement terms remain unchanged aside from the clarified timeline.

Council Member Pulver motioned to approve the acquisition of Weber County surplus property, parcel 16-049-01330. Council Member Watson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously

11. DISCUSSION ON NORTH OGDEN CITY PARTNERING WITH THE UTAH RIVERS COUNCIL 2025 RAINHARVEST PROGRAM

1:19:02 Council Member Dalpiaz brought up a request from the Utah Rivers Council regarding North Ogden City's participation in a water conservation rain harvest program, which the City has engaged in for the past two years, offering rain barrels at a discounted price to interested residents. While the program has been beneficial, its necessity was questioned due to recent years of sufficient water supply. Currently, the Weber Basin area sits at approximately 75-80% snowpack, making future water conditions uncertain. The program previously cost the City \$2,000 per year, and Council Member Dalpiaz inquired whether funds had been allocated in the budget or if a budget amendment would be required. Finance Director Jami Jones confirmed that no funds were set aside, meaning an amendment would be needed if the City chose to participate again. Mayor Berube emphasized two considerations: (1) the conservation efforts primarily benefit Pine View water reserves and (2) the City is facing a tight budget year. Council Member Dalpiaz concluded by stating he would inform the Utah Rivers Council that North Ogden would consider participation, but residents would bear the full cost of rain barrels this year. A more in-depth discussion will take place during the next budget planning cycle to determine future participation.

12. COUNCIL DEPARTMENT REPORTS

a. Council Member Cevering – Building and Planning Department

1:24:20 Council Member Cevering highlighted that the acquisition of the park area from the County cost approximately \$12,600, which was purchased through a tax sale. He emphasized that this was a good price for securing park space for the City. Mayor Berube agreed, noting the value of the purchase.

b. Council Member Barker – Parks Department

1:24:50 Council Member Barker shared that the Parks Department plans to begin demolition at Orton Park within the next week, weather permitting. Residents were encouraged to use the playground before the work began, with completion expected by early spring. Mayor Berube added that Green Acres is also planning to update its playground equipment. While the City cannot officially support the school's playground, he acknowledged that it is frequently used by residents.

13. PUBLIC COMMENTS

1:25:34 Zach Nicholas, a Harrisville City resident, accompanied by his wife Lauren, expressed their appreciation for North Ogden but raised concerns about the rapid development in their area. They inquired about a specific agricultural property near their subdivision, questioning the annexation process and whether residents have input on zoning decisions.

Mayor Berube explained that while zoning is determined by the City Council, public input is welcome. He also noted that the State is pressuring Cities to allow higher-density development and may intervene if Cities do not act proactively.

Council Member Barker clarified that the property in question is located in Harrisville, meaning North Ogden has no jurisdiction over it. He mentioned that development discussions have already taken place in Harrisville. Other Council Members advised Zach to check Harrisville's General Plan for future zoning expectations. The Council also confirmed that residents are notified when annexation occurs, particularly if it directly impacts their area.

1:29:41 Phillip Swanson, a North Ogden City resident, commented on the City's fine structure, suggesting that clearer guidelines should be added to ordinances regarding the timeline for issuing subsequent fines. He recommended specifying a set period, such as 90 days for obtaining a building permit after receiving an initial fine, to provide clarity for residents and strengthen the City's enforcement process.

1:30:21 Susan Kilborn, a North Ogden City resident, welcomed the new residents who had spoken earlier, congratulating them on their involvement in the City Council meeting. She also reminded everyone that Friday is Valentine's Day, encouraging them to prepare for the occasion and celebrate with their loved ones.

14. MAYOR/COUNCIL/COMMISSION/STAFF COMMENTS

1:32:19 Council Member Pulver reminded the Council that the Citizen Budget Subcommittee meeting is scheduled for February 19. Mayor Berube added that strong applicants for the Planning Commission may also be interested in participating in the Subcommittee.

15. **MOTION TO ADJOURN TO CLOSED MEETING FOR REASONS PERMITTED UNDER UTAH CODE ANNOTATED §52-4-205(1)(A) REGARDING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL**

1:33:30 Council Member Watson motioned to adjourn the Public Meeting and enter into the Closed Meeting for reasons permitted under Utah Code Annotated §52-4-205(1)(a) regarding the character, professional competence, or physical or mental health of an individual. Council Member Pulver seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously

The Closed Meeting began at 7:38 p.m.

Council Member Pulver motioned to adjourn the Closed Meeting and reconvene the Public Meeting. Council Member Cevering seconded the motion.

Voting on the motion:

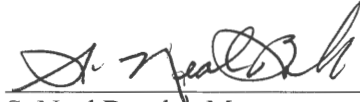
Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

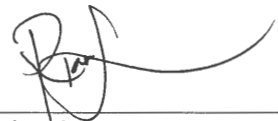
The motion passed unanimously

16. ADJOURNMENT

Council Member Watson motioned to adjourn the meeting.

The meeting adjourned at 9:27 p.m.


S. Neal Berube, Mayor


Rian Santoro
City Recorder

2/25/25
Date Approved

